

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiffs,)	
vs.)	No. 04-0244-34-W-FJG
Cledis R. Roberts, Jr.)	
)	
Defendant.)	

ORDER

Pending before this Court is defendant's motion for new trial (Doc. #618), filed August 29, 2005, and the government's response (Doc. #624), filed September 6, 2005. Defendant entered a guilty plea on August 22, 2005, and upon his oral motion waived the presentence investigation report. Defendant was sentenced that date and the judgment and commitment order was entered on August 24, 2005 (Doc. #614).

Pursuant to Rule 11(c) of the Federal Rules of Criminal Procedure a defendant may not withdraw a plea of guilty or nolo contendere after sentence has been imposed. Accordingly, defendant's motion for new trial (Doc. #618) is denied.

Also pending is defendant's motion for continuance or in the alternative, motion for leave to withdraw as counsel of record (Doc. #619), filed August 29, 2005. As defendant has previously been sentenced by this Court, his motion for continuance of the trial of his co-defendants is denied. The request of Phillip R. Gibson to withdraw as counsel of record for defendant is denied.

/s/Fernando J. Gaitan, Jr.
United States District Judge

Dated: September 16, 2005
Kansas City, Missouri